



**SCOTTSDALE DEVELOPMENT REVIEW BOARD
KIVA - CITY HALL
3939 N. DRINKWATER BOULEVARD
DECEMBER 18, 2003
DRAFT MINUTES**

PRESENT: Tom Silverman, Council Member
E.L. Cortez, Vice Chairman
Jeffery Schwartz, Planning Commission Member
Michael D'Andrea, Design Member
Anne Gale, Design Member
Jeremy Jones, Design Member
Michael Schmitt, Design Member

STAFF: Donna Bronski
Tim Curtis
Jayna Shewak
Greg Williams

CALL TO ORDER

The regular meeting of the Scottsdale Development Review Board was called to order by Councilman Silverman at 1:00 p.m.

ROLL CALL

A formal roll call confirmed members present as stated above.

OPENING STATEMENT

COUNCILMAN SILVERMAN read the opening statement that describes the role of the Development Review Board and the procedures used in conducting this meeting.

DRAFT

MINUTES APPROVAL

December 4, 2003 DRB Minutes

VICE CHAIRMAN CORTEZ MADE A MOTION TO APPROVE THE DECEMBER 4, 2003, MEETING MINUTES AS PRESENTED. SECOND BY MR. JONES.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

CONSENT AGENDA

78-DR-2003	Medical Plaza 5 Site Plan & Elevations 10040 N. 92 nd Street A & E Solutions LLC, Architect/Designer
87-DR-2003	Madrid Subdivision Entry Monument Details & Elevations SWC, SEC, NWC and NEC Frank Lloyd Wright & Thunderbird Stantec Consulting Inc., Engineers
17-PP-2003	DC Ranch Parcel 6.7 NEC Saguaro Canyon & Wingate Pass Preliminary Plat Swaback Partners LLC, Architects.

MS. SHEWAK stated she had an update on a couple of questions that were raised during study session. She further stated regarding case 78-DR-2003 the question was asked whether there were lights in the center aisles on the top of the parking structure. Staff checked with the applicant and they are not planning on having lights on the top center row. She noted they would stipulate there would be wall lighting allowed in the wall parapets in the parking garage.

Ms. Shewak stated regarding the question of applicable colors for case 87-DR-2003 Mr. Curtis checked with the applicant and they inadvertently slipped in color samples that did not belong with that case. She apologized and asked the Board to disregard those color samples.

Ms. Shewak stated on case 17-PP-2003 the questions were accomplished between study session and the hearing and they would not need to bring the retaining wall detail back to a study session.

VICE CHAIRMAN CORTEZ stated regarding case 87-DR-2003 the issue was raised during study session regarding the steel window elements on the entry.

He inquired about what staff found out about that element. Mr. Curtis inquired if Vice Chairman Cortez was inquiring about the confusion in the graphic work. Vice Chairman Cortez replied in the affirmative. There appears to conflict in detail with the graphic and what was shown in the packet.

SHERYL MORGAN, Hancock Homes, stated there only three windows and it is suppose to give it the appearance of a guard shack.

MR. SCHWARTZ inquired if those windows are fixed. Ms. Morgan replied in the affirmative.

VICE CHAIRMAN CORTEZ MOVED TO APPROVE CASE 78-DR-2003 WITH THE REVISED STIPULATION CLARIFYING THE WALL PATH USE LIGHTING ON THE SECOND FLOOR OF THE PARKING STRUCTURE. CASE 87-DR-2003 WITH THE CLARIFICATION OF ONLY THREE WINDOW OUTLETS TO BE UTILIZED IN THE ENTRY FEATURE. CASE 17-PP-2003 AS STIPULATED. SECOND BY MR. SCHWARTZ.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

OLD BUSINESS

Motion to reconsider case 119-DR-1998#2, Portales Del Sol

COUNCILMAN SILVERMAN stated that it is his understanding that this is not a discussion it is a request to make a motion to reconsider case 119-DR-1998#2 to bring it back in January. Ms. Shewak replied this case would be re-heard on January 8, 2004.

VICE CHAIRMAN CORTEZ requested clarification on parliamentary procedure regarding reconsidering this case and stipulated time limits. Ms. Bronski stated this is a case were Robert's Rules and open meeting laws mesh. She further stated that Robert's Rules states that a motion of reconsideration must occur at the same meeting or the next day. Under the open meeting laws there is not the ability to hold a meeting the very next day because there would not be the ability to have 24-hour notice of the agenda. She further stated when you read the two together if they want to do a motion to reconsider that would occur at the next meeting.

MR. JONES MOVED FOR RECONSIDERATION OF CASE 119-DR-1998#2 PORTALES DEL SOL

VICE CHAIRMAN CORTEZ inquired if the motion had to be made by the prevailing party. Ms. Bronski stated it was her understanding that the Board

voted both ways for approval and to continue and both times there was a tie vote of three to three so anyone who was present could make the motion.

Vice Chairman Cortez stated that the Chair voted and it was his understanding based on parliamentary procedure that typically the Chair only votes to break tie votes. Ms. Bronski stated that would be correct under traditional parliamentary procedure but governments don't follow traditional parliamentary procedure. She further stated under the DRB By-laws the Chair votes as well as any other member so there is nothing irregular about the chair voting in this case so there was a true tie.

MS. GALE SECONDED THE MOTION.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO TWO (2) WITH VICE CHAIRMAN CORTEZ AND MR. SCHMITT DISSENTING.

MS. BRONSKI stated the Board would reconsider this matter on January 8, 2004. She further stated they would consider this case as if it had never been considered.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Development Review Board was adjourned at 1:15 p.m.

Respectfully Submitted

"For the Record" Court Reporters